

MICHAEL G. GLANZBERG (SBN 172151)  
JOHN C. FERRY (SBN 104411)  
KELLY, HERLIHY & KLEIN LLP  
44 Montgomery Street, Suite 2500  
San Francisco, CA 94104  
Telephone: (415) 951-0535  
Facsimile: (415) 391-7808

Attorneys for Defendant  
BIG O TIRES – NORTHERN CALIFORNIA  
AND NORTHERN NEVADA OWNERS  
EMPLOYEE WELFARE BENEFIT PLAN

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL CRUM,

Plaintiff,

v.

UNUM LIFE INSURANCE COMPANY OF  
AMERICA, a Maine Corporation,  
UNUMPROVIDENT, a Delaware corporation, BIG  
OF TIRES OF NORTHERN CALIFORNIA AND  
NORTHERN NEVADA, a California Corporation,  
BIG O TIRES – NORTHERN CALIFORNIA AND  
NORTHERN NEVADA OWNERS, an employee  
welfare benefit plan, and DOES 1 through 1000,  
inclusive,

Defendants.\_\_\_\_

CASE NO. CIV.S-04-0125 DFL PAN

**STIPULATION OF DISMISSAL  
WITH PREJUDICE OF ENTIRE  
ACTION; [PROPOSED] ORDER  
THEREON**

STIPULATION OF DISMISSAL WITH PREJUDICE OF  
ENTIRE ACTION; [PROPOSED] ORDER THEREON

1 Plaintiff Daniel Crum ("plaintiff"), defendants Unum Life Insurance Company of America,  
2 UnumProvident Corporation, and Big of Tires of Northern California and Northern Nevada, a  
3 California Corporation, Big O Tires – Northern California and Northern Nevada Owners, an  
4 employee welfare benefit plan (collectively "defendants"), through their respective attorneys of  
5 record, Steven Duditch, Esq., on behalf of plaintiff, and Michael G. Glanzberg, Esq. of Kelly,  
6 Herlihy & Klein, on behalf of defendants, HEREBY STIPULATE that the above-captioned matter  
7 and all claims of relief therein can be dismissed with prejudice in its entirety. Each party to bear its  
8 own costs.

9 IT IS SO STIPULATED.

10  
11 Date: October \_\_, 2005

By \_\_\_\_\_/s/\_\_\_\_\_  
Steven Duditch  
Attorneys for Plaintiff  
Daniel Crum

12  
13  
14 KELLY, HERLIHY & KLEIN LLP

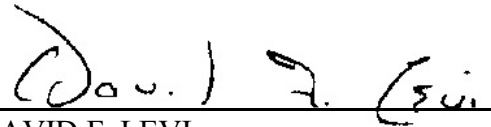
15  
16 Dated: October \_\_, 2005

By \_\_\_\_\_/s/\_\_\_\_\_  
Michael G. Glanzberg  
Attorneys for Defendants  
Unum Life Insurance Company of America,  
Unumprovident Corporation and Big of Tires  
of Northern California and Northern Nevada, a  
17 California Corporation, Big O Tires – Northern  
18 California and Northern Nevada Owners  
19  
20

21 **ORDER**

22 IT IS SO ORDERED.

23 Dated: 11/18/2005

24  
25   
26 \_\_\_\_\_  
DAVID F. LEVI  
27 United States District Judge  
28

STIPULATION OF DISMISSAL WITH PREJUDICE OF  
ENTIRE ACTION; [PROPOSED] ORDER THEREON

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

---

STIPULATION OF DISMISSAL WITH PREJUDICE OF  
ENTIRE ACTION; [PROPOSED] ORDER THEREON